

(2) the appropriate level of total new budget authority is \$408,000,000,000;

(3) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is \$74,100,000,000;

(4) the recommended level of Federal revenues is \$300,800,000,000, and the House Committee on Ways and Means and the Senate Committee on Finance shall submit to their respective Houses legislation to decrease Federal revenues by approximately \$6,400,000,000; and

(5) the appropriate level of the public debt is \$622,600,000,000.

31 USC 1322.

SEC. 2. The Congress hereby determines and declares, in the manner provided in section 301(a) of the Congressional Budget Act of 1974, that for the transition quarter beginning on July 1, 1976—

(1) the appropriate level of total budget outlays is \$101,700,000,000;

(2) the appropriate level of total new budget authority is \$91,100,000,000;

(3) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is \$15,700,000,000;

(4) the recommended level of Federal revenues is \$86,000,000,000; and

(5) the appropriate level of the public debt is \$641,000,000,000.

Passed December 12, 1975.

December 16, 1975
[S. Con. Res. 62]

NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS—APPORTIONMENT

Resolved by the Senate (the House of Representatives concurring), That the Secretary of Transportation shall apportion the sums authorized to be apportioned for the fiscal year 1977 for immediate expenditure on the National System of Interstate and Defense Highways, using the apportionment factors contained in table 5, House committee print numbered 94-14.

Agreed to December 16, 1975.

December 19, 1975
[S. Con. Res. 83]

CORRECTIONS OF ENROLLED BILL S. 2718

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate is directed to make corrections in the enrollment of S. 2718, a bill to improve the quality of rail services in the United States through regulatory reform, coordination of rail

services and facilities, and rehabilitation and improvement financing, and for other purposes as follows:

SEC. 2. In section 306 of the Regional Rail Reorganization Act (as added by section 609(b) of the bill) strike the bracket at the beginning of the section.

SEC. 3. In title VI of the bill redesignate the second section 614 as 615, and redesignate sections 615 and 616 as 616 and 617 respectively.

SEC. 4. In section 601(b)(3) of the Regional Rail Reorganization Act of 1973, as added by section 617 of the bill as redesignated is amended by—

- (a) striking “(1)” the second time it appears; and
- (b) striking the brackets and the material therein, except the quotation mark and the final period.

SEC. 5. Before the section heading of section 701 of the bill insert the following:

“TITLE VII—NORTHEAST CORRIDOR PROJECT
IMPLEMENTATION”

SEC. 6. Section 4(m) of the Department of Transportation Act (as added by section 803 of the bill) is amended by inserting the last sentence immediately after the period of the sentence preceding it.

SEC. 7. Section 4(n) of the Department of Transportation Act (as added by section 803 of the bill) is amended by striking “(i)” and inserting in lieu thereof “(p)”.

SEC. 8. Section 4(o) of the Department of Transportation Act (as added by section 803 of the bill) is amended by striking “(i)” and inserting in lieu thereof “(p)”.

SEC. 9. Subdivision (e) of section 20(3) of the Interstate Commerce Act, as amended by section 307 of the bill is deleted and subdivision (f) is redesignated as subdivision (e).

SEC. 10. Section 4(r) of the Department of Transportation Act (as added by section 803 of the bill) is amended by striking “(i)” and “(j)” and inserting in lieu thereof “(p)” and “(q)” respectively.

SEC. 11. Insert a period after “(6) necessary studies” in section 101 of the bill.

SEC. 12. In section 15(6) of the Interstate Commerce Act (as amended by section 201 of the bill) strike “(C)” and insert in lieu thereof “(c)”.

SEC. 13. In section 202(b) of the bill strike out all of the matter starting with “(6) In any hearing under” and ending with “at the earliest practicable time”.

SEC. 14. In the matter inserted into the Interstate Commerce Act by section 202(e)(B) of the bill—

- (1) strike “(9)(a)” and insert in lieu thereof “(8)(a)”;
- (2) strike “section 1(5)(B)(i) of this part” in new subdivision (b) thereof and insert in lieu thereof “section 1(5)(b)(i) of this part” and in such new subdivision (b) strike “subparagraph

(d) of this paragraph. That” and insert in lieu thereof “subdivision (d) alleging that”;

(3) strike in its entirety clause (iv) of new subdivision (c) thereof and insert in lieu thereof the following new such clause (iv):

“(iv) the increase or decrease for any rate filed within the second year following such date of enactment is not more than 7 per centum of the rate in effect on January 1, 1977;”;

(4) in new subdivision (d) thereof—

(A) after “interested party” and before “that—” insert the following: “or of the Office of Rail Public Counsel”;

(B) after “injury to the complainant” and before “; and” insert the following “or, in the case of the complaint of such Office, injury to a member of the public or the public generally”;

(5) in new subdivision (f) thereof after the first sentence thereof and before the last sentence thereof insert the following two new sentences: “In any hearing under this section, the burden of proof is on the carrier to show that the proposed changed rate, fare, charge, classification, rule, regulation, or practice is compensatory, just, and reasonable. The Commission shall specifically consider, in any such hearing, proof that such proposed changed rate, fare, charge, classification, rule, regulation, or practice will have a significantly adverse effect on the competitive posture of shippers or consignees to be affected by such change.”.

SEC. 15. In section 202(f) of the bill in the clause preceding paragraph (1) thereof strike “to” and in paragraph (1) thereof immediately before “modify” insert “to”.

SEC. 16. In section 15(3) of the Interstate Commerce Act (as amended by section 203(a) of the bill) (1) strike “In determining” in the first sentence of the new matter and insert in lieu thereof “With respect to carriers by railroad, in determining”; and (2) strike “(C)” and insert in lieu thereof “(c)”.

SEC. 17. In new section 5b of the Interstate Commerce Act (as inserted in section 208(b) of the bill)—

(1) in paragraph (6)(a)(i) thereof strike “discussions or”;

(2) in paragraph (6)(a)(ii) thereof strike “discussions or”.

SEC. 18. In new section 24 of the Interstate Commerce Act (as inserted by section 304 of the bill)—

(1) strike out the brackets and the second sentence in subsection (b) thereof and insert in lieu thereof the following: “The Director shall be appointed by the Commission and shall be qualified and take office upon the approval of such appointment by a concurrent resolution of the Senate and of the House of Representatives.”;

(2) in subsection (c) thereof strike “recommednations” and insert in lieu thereof “recommendations”;

(3) in subsection (e) thereof strike the comma after President and all that follows through the end of such subsection and insert in lieu thereof a period.

SEC. 19. In section 306 of the Regional Rail Reorganization Act of 1973 (as inserted in section 609(b) of the bill) strike out the bracket immediately before “SEC. 306.”.

SEC. 20. In section 403 of the bill—

(1) insert “(a)” immediately after “403.”;

(2) strike "(c) Section 5 of the Interstate Commerce Act (49 U.S.C. 5) is" and insert in lieu thereof "(b) Section 5 of such Act (49 U.S.C. 5) is further".

SEC. 21. In section 404 of the bill, strike the bracket before "SEC."

SEC. 22. Amend the first six printed lines on page 69 of the Conference Report to read as follows:

"PROTECTION OF GOVERNMENT FUNDS

"SEC. 608. Title III of the Regional Rail Reorganization Act of 1973, as amended by section 609 of this Act, is further amended by inserting the following new section:

"PROTECTION OF GOVERNMENT FUNDS

"SEC. 307. (a) AUDIT.—(1) The Comp.—"

SEC. 23. In section 27(1)(d) of the Interstate Commerce Act as added by section 306 of the bill, strike "or contract carrier subject to this part I, part II, part III, or part IV of this Act" and insert in lieu thereof "carrier by railroad subject to this part".

SEC. 24. In section 15(3) of the Interstate Commerce Act as amended by section 203(a) of the bill is amended by inserting after "proposed cancellation" the words "involving any common carrier by railroad".

SEC. 25. The amendment to section 6(6) of the Interstate Commerce Act by section 209 of the bill is amended by—

(A) striking "each carrier or" and inserting in lieu thereof "each common carrier by railroad subject to this part or rail" and

(B) striking "any carrier" and inserting "any such carrier".

SEC. 26. Paragraph 9(b) of section 17 of the Interstate Commerce Act as added by section 303(a) of the bill is amended by inserting after "any matter" the following "involving a common carrier by railroad subject to this part which is".

SEC. 27. The first subdivision (d) of paragraph (3) of section 27 of the Interstate Commerce Act, as added by section 306 is amended to read as follows: "(a) 'assessment' means valuation for purposes of a property tax levied by any taxing district."

SEC. 28. The second subsection (e) of section 611 of the bill is redesignated as subsection (1).

SEC. 29. Section 301(i) of the Regional Rail Reorganization Act of 1973, as added by redesignated section 611(1), is amended by striking out "financial assistance provided pursuant to section 802(b)(2) of the Railroad Revitalization and Regulatory Reform Act of 1975," and inserting "section 305 of this Act".

SEC. 30. Title VI of the bill is amended by adding at the end thereof the following new section:

"APPLICATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT

"SEC. 617. Nothing in this title shall effect the application of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)) to actions of the Commission."

SEC. 31. The table of contents of the Regional Rail Reorganization Act of 1973, as amended by section 600(b) of the bill, is amended by (A) striking out "Section 305. Continuing reorganization; supplemental transactions", (B) striking out "SEC. 307. Supplementary assistance", and (C) striking out "SEC. 308" and inserting in lieu thereof "SEC. 307".

SEC. 32. Strike out in its entirety section 901 of the bill and redesignate sections 902 through 905 of the bill as sections 901 through 904 thereof.

SEC. 33. Amend section 903 of the bill, as redesignated by this resolution, to read as follows:

“RAIL ABANDONMENT REPORT

“SEC. 903. The Secretary shall submit to the Congress, within 90 days after the date of enactment of this Act, a comprehensive report on the anticipated effect, including the environmental impact, of any abandonments of lines of railroad and any discontinuances of rail service in States outside the region, as defined in section 102 of the Regional Rail Reorganization Act of 1973.”.

SEC. 34. In section 616(b) of the bill amend paragraph (1) thereof to read as follows:

(1) by (A) striking out “—The” and insert in lieu thereof “—(1) The”, and by striking out “to the extent necessary” and inserting in lieu thereof “taken”;

SEC. 35. In section 211(h) (1) of the Regional Rail Reorganization Act of 1973 (as inserted in section 605 of the bill) strike “\$200,000,000” and insert in lieu thereof “\$400,000,000”.

SEC. 36. In section 211(h) (4) of the Regional Rail Reorganization Act of 1973 (as inserted in section 605 of the bill) (A) strike “Government Banking Committee of the”; (B) strike “.” at the end thereof and in the next line of the bill strike “(g)” and insert in lieu thereof “(i)”.

SEC. 37. Section 305(b) of the Regional Rail Reorganization Act of 1973, as amended by section 609(b) of the bill, is amended by striking “whatever” and inserting “whether”.

SEC. 38. Section 305(c) of the Regional Rail Reorganization Act of 1973 as amended by section 609(b) of the bill by striking “other than the Corporation, where it is a proposed transfer, if the Association has determined that such transfer is likely to result in the achievement of the goals specified in section 206(a) of this Act in a manner less costly to the public than that specified in the final system plan”.

SEC. 39. Section 305(d) (5) of the Regional Rail Reorganization Act of 1973, as amended by section 609(b) of the bill is amended by striking “or” following “Association” and inserting “or the Commission” following “the Secretary”.

SEC. 40. Section 306(d) of the Regional Rail Reorganization Act of 1973, as amended by section 609(b) of the bill, is amended by striking “(3) the applicant has offered such security as the Secretary deems necessary to protect reasonably the interests of the United States.”

SEC. 41. Section 216(b) (2) of the Regional Rail Reorganization Act of 1973, as amended by section 604 of the bill, is amended by inserting “)” following “the Board of Directors of the Association”.

SEC. 42. Section 301(d) of the Regional Rail Reorganization Act of 1973, as amended by section 610(b) of the bill by (1) striking “his selection” in the third sentence and inserting “their elections” and (2) inserting “holder” following “subsection” in the last sentence.

SEC. 43. Section 301(c) of the Regional Rail Reorganization Act of 1973, as amended by section 610(a) of the bill is amended by striking “also” and “initial”.

SEC. 44. Section 504(g) of the Regional Rail Reorganization Act of 1973, as amended by section 614 of the bill is amended by striking “216(b) (5)” and inserting “211(h)”.

SEC. 45. Section 216(c) of the Regional Rail Reorganization Act of 1973 as added by section 604 of the bill is amended by inserting "any" between "purchase" and "debentures", in clause (1) thereof.

SEC. 46. Section 211(h) of the Regional Rail Act of 1973 as added by section 605 of the bill is amended as follows:

(i) In clause (B) of paragraph (2) insert "of" before "all current assets" and insert "to" before "the payment."

(ii) In paragraph (3) change the phrase "paragraph (2)" to "paragraphs (1) and (2)".

(iii) In paragraph (4) strike the phrase "the Government Banking Committee of" and change the word "Committee" to "Association."

SEC. 47. In the final newly created subsection to section 211 of the Regional Reorganization Rail Act of 1973 as added by section 605 of the bill change "(g)" to "(i)".

SEC. 48. In subsection (r) of section 606 of the bill change "207" to "209" and change the "(e)" before "Time Extension" to "(i)".

SEC. 49. Section 301(e) of the Regional Rail Reorganization Act of 1973 as amended by section 607 by the bill is amended by striking at the beginning of the second paragraph "B preferred stock" through the first "."

SEC. 50. Section 308(b) of the Regional Rail Reorganization Act of 1973 as added by section 607 of the bill is amended by changing "90" to "150".

SEC. 51. Section 209(f) of the Regional Rail Reorganization Act of 1973 as added by section 602 of the bill is amended by deleting the fourth sentence thereof.

SEC. 52. Section 202(c) of the bill is deleted, and subsections (d), (e), (f), and (g) are redesignated as (e), (f), (g), and (h).

SEC. 53. Paragraph (4) of section 15a of the Interstate Commerce Act, as amended by section 205 of the bill, is amended by adding at the end thereof: "No rate of carrier shall be held up to a particular level to protect the traffic of any other carrier or mode of transportation, unless the Commission finds that such rate reduces or would reduce the going concern value of the carrier charging the rate."

SEC. 54. Section 304(e) of the Regional Rail Reorganization Act, as amended by section 804 of the bill, is amended by striking "section 808 of the Rail Services Act of 1975," and inserting in lieu thereof: "section 807 of the Railroad Revitalization and Regulatory Reform Act of 1975."

SEC. 55. Section 402(b)(2) of the Regional Rail Reorganization Act as amended by section 805 of the bill is amended by striking "subsidies" where it appears and inserting in lieu thereof "assistance".

SEC. 56. Section 205(d)(5) of the Regional Rail Reorganization Act as amended by section 309 of the bill is amended by striking out "subsection (a)" and inserting in lieu thereof:

"(A) standards for the computation of subsidies for rail passenger service (except passenger service compensation disputes subject to the jurisdiction of the Interstate Commerce Commission under section 705 of this Act), which are consistent with the compensation principles described in the final system plan and which avoid cross subsidization among commuter, intercity, and freight services; and"

SEC. 57. Section 807(c)(A) of the bill is amended by striking "706" and inserting "705".

SEC. 58. Section 402(h) of the Regional Rail Reorganization Act as amended by section 805 of the bill is amended by striking "Rail Services Act of 1975," and inserting in lieu thereof "Railroad Revitalization and Regulatory Reform Act of 1975."

SEC. 59 In section 202(b), lines 12 and 13 of new section 15(8) are amended by inserting "this", after "pursuant to" in line 12 and striking "(7) of this section" in line 13.

SEC. 60. In section 206, the numeral at the beginning of the new section is changed from (18) to (17).

SEC. 61. In section 303, quotation marks are added immediately before "(d)" on page 18, line 25. On page 19, line 22, "this" is added immediately after "set forth in", the word "sections" is amended to "section" and "(5) or (6)" is deleted.

SEC. 62. On page 19, line 29, quotation marks are added before "(e)".

SEC. 63. On page 19, line 46, the letter (d) is changed to (f) and quotation marks are added before said letter.

SEC. 64. On page 20, line 1, the letter (f) is changed to (g) and quotation marks are added before it.

SEC. 65. On page 20, line 8, the letter (g) is changed to (h) and quotation marks are added before it.

SEC. 66. On page 20, line 13, (h) is changed to (i) and quotation marks are added before it.

SEC. 67. On page 20, line 11, after the word "part" add "and shall apply only to such matters".

SEC. 68. Section 808 of the bill is amended by striking "section 808 of the Rail Services Act of 1975," and inserting in lieu thereof "section 807 of the Railroad Revitalization and Regulatory Reform Act of 1975."

SEC. 69. Subsection (f) of section 805 of the bill is deleted.

SEC. 70. Section 805 of the bill is amended by adding at the end thereof the following new subsection:

"(c) Section 403(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 763(b)) is amended by striking out the last sentence and inserting in lieu thereof the following: "Notwithstanding any other provision of this title, a State may expend sums received by it under paragraphs (1) and (2) of section 402(b) of this title for acquisition and modernization pursuant to this section, or for any project designated pursuant to a State rail plan."

SEC. 71. In section 611(m) of the bill, strike "reading" after "adding a new subsection".

SEC. 72. In section 303(b) of the Regional Rail Reorganization Act of 1973 (as amended by section 611(k) of the bill) strike out "an" after "shall not be deemed a breach," and insert in lieu thereof "in".

SEC. 73. In paragraph (3) of section 501 of the Regional Rail Reorganization Act (as amended by section 612(3) of the bill) strike "1" after "has not reached age 65 on the effective date of this Act or;"

SEC. 74. In section 403(c)(C) of the Regional Rail Reorganization Act, as amended by section 805(b) of the bill as amended by these amendments, delete "fiscal" and insert in lieu thereof "fiscal".

SEC. 75. In section 301(i) of the Regional Rail Reorganization Act of 1973 (as amended by section 611(l) of the bill) insert " " before "(i)".

SEC. 76. In section 611(e) of the bill the second time it appears strike out "(e)" and insert in lieu thereof "(1)".

SEC. 77. Delete "SEC. 616." of the bill and insert in lieu thereof "SEC. 617."

SEC. 78. Delete "SEC. 615." of the bill and insert in lieu thereof "SEC. 616."

SEC. 79. Delete "SEC. 614." of the bill the second time it appears and insert in lieu thereof "SEC. 615."

SEC. 80. In the last sentence of section 402(a)(1) of the Regional Rail Reorganization Act of 1973, as amended by section 805(a) of the bill, delete "(1)" and "(2)" and insert in lieu thereof "(A)" and "(B)".

SEC. 81. Delete "(f)" of section 805 and "(b)" of section 805 and insert in lieu thereof "(b)" and "(c)", respectively.

SEC. 82. In section 611(1) of the bill as amended by section 29 of this resolution, strike "new subsection:" after "at the end thereof the following" and insert in lieu thereof "2 new subsections:".

Agreed to December 19, 1975.

ADJOURNMENT SINE DIE

December 19, 1975
[H. Con. Res. 518]

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Friday, December 19, 1975, they shall stand adjourned sine die or until 12:00 noon on the second day after their respective Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs.

SEC. 2. The Speaker of the House of Representatives and the President pro tempore of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it, or whenever the majority leader of the Senate and the majority leader of the House, acting jointly, or the minority leader of the Senate and the minority leader of the House, acting jointly, file a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for consideration of legislation.

SEC. 3. During the adjournment of both Houses of Congress as provided in section 1, the Secretary of the Senate and the Clerk of the House, respectively be, and they hereby are, authorized to receive messages, including veto messages, from the President of the United States.

Passed December 19, 1975.